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**To:** Mr. Gautam R. Patel  
Group Art Unit 2655

**From:** Carolyn T. Baumgardner

**Fax:** 703-872-9306

**Date:** February 7, 2005

**Phone:**

**Pages:** 7 (including cover sheet)

**Your Ref.:** 09/801,646

**Our Ref.:** 0717-0462P

**Re:**

**CC:**

☒ **Urgent**    ☒ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

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**Comments:**

**URGENT – OFFICAL DUPLICATE**

MS RCE  
PATENT  
0717-0462P

## IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Tetsuo SAEKI Conf.: 3943  
Appl. No.: 09/801,646 Group: 2655  
Filed: March 9, 2001 Examiner: G. PATEL  
For: OPTICAL HEAD WITH PASSIVE TEMPERATURE  
COMPENSATION (As Amended)

14/Evt  
rce  
4505  
X

REQUEST FOR CONTINUED EXAMINATION  
UNDER 37 C.F.R. § 1.114

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 22, 2003

Sir:

This is a "Request for Continued Examination" under 37 C.F.R. § 1.114, the provisions of which do not apply to:

(1) A provisional application; (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) An international application filed under 35 U.S.C. §363 before June 8, 1995; (4) An application for a design patent; or (5) A patent under reexamination.

Submission of an RCE is limited to an application in which prosecution is closed; e.g. final rejection, Ex Parte Quayle; or notice of allowability

☒ This Request for Continued Examination is being filed prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted; (2) Abandonment of the application; or (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of civil action under 35 U.S.C. §§ 145 or 146, unless the appeal or civil action is terminated.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

Appl. No. 09/801,646

☐ The enclosed document is being transmitted via facsimile.

☒ Submission Required under 37 C.F.R. § 1.114:

☐ Do NOT enter the After Final Amendment(s) previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116.

Enter as part of the present submission:

☒ The After Final Amendment(s) previously filed on November 21, 2003, under 37 C.F.R. § 1.116 but unentered, in the present application.

☐ Arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.

☐ A Reply Under Rule 1.111, attached hereto. Claim fee(s) are calculated as set forth below:

	TOTAL NUMBER OF CLAIMS PREVIOUSLY PAID FOR	TOTAL NUMBER OF CLAIMS BEING FILED HEREWITH	NUMBER EXTRA	Large Entity		Small Entity	
				Rate	Fee	Rate	Fee
Total Claims	20	8 =	0	X 18	\$0.00	X 9	\$
Independent Claims	3	2 =	0	X 86	\$0.00	X 43	\$
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				290	\$0.00	145	\$
TOTAL CLAIM FEE (\$)						\$0.00	

☐ An Information Disclosure Statement (IDS) and PTO-1449 form(s) is/are attached hereto for the Examiner's consideration.

☐ Other:

☐ Miscellaneous

☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ( ) months. (Period of suspension shall not exceed 3 months.)

Appl. No. 09/801,646

☒ Fees

The required fee under 37 C.F.R. § 1.17(e) as required by 37 C.F.R. § 1.114 when the RCE is filed, is enclosed herewith:

- ☐ \$385.00 - small entity  
☒ \$770.00 - large entity

☒ The applicant(s) hereby petition(s) for an extension of one (1) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$110.00 is required for the full period of the above-requested extension of time.

☐ An extension of ( ) month(s) was previously requested and paid for on in the instant application. Thus, a fee of \$0.00 is required to obtain an additional ( ) month(s) extension.

☐ The fee of \$130.00 under 37 C.F.R. § 1.17(i) for suspension of action is enclosed.

☒ Enclosed is(are) check(s) in the total amount of \$880.00 for the applicable filing fee, additional claims fee, suspension fee, and/or extension fees.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Terrell C. Birch* #39271  
Terrell C. Birch, #19,382

TCB/DKD/slb  
0717-0462P

*DW*  
Attachment(s)

*f* P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

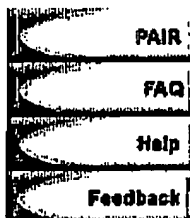
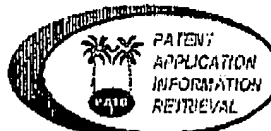
(Rev. 09/30/03)



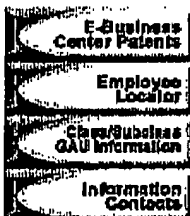
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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



Printer Friendly Version

Search results as of: 2-7-2005::12:4

Search results for application number:09/801,646			
Application Number:	09/801,646	Customer Number:	2292
Filing or 371(c) Date:	03-09-2001	Status:	Advisory Action
Application Type:	Utility	Status Date:	12-03-2003
Examiner Name:	PATEL, GAUTAM	Location:	TC 2600 EXAMIN RECORD
Group Art Unit:	2655	Location Date:	11-17-2004
Confirmation Number:	3943	Earliest Publication No:	US 2001-0046200
Attorney Docket Number:	0717-0462P	Earliest Publication Date:	11-29-2001
Class/ Sub-Class:	369/112.07	Patent Number:	-
First Named Inventor:	Tetsuo Saeki, Tenri-shi, (JP)	Issue Date of Patent:	-
Title Of Invention:	OPTICAL HEAD WITH PASSIVE TEMPERATURE COMPENSA		

Select Search Option

☐ Assignments  
☐ Foreign Priority  
☐ Image File Wrapper  
☐ Publication Review  
☐ Published Documents

Search

File History	
Date	Contents Description
12-22-2003	Workflow - Request for RCE - Begin
12-03-2003	Mail Advisory Action (PTOL - 303)
12-03-2003	Advisory Action (PTOL-303)
12-02-2003	Date Forwarded to Examiner
11-21-2003	Amendment after Final Rejection
08-25-2003	Mail Final Rejection (PTOL - 326)
08-25-2003	Final Rejection
08-05-2003	Date Forwarded to Examiner
08-01-2003	Response after Non-Final Action
05-30-2003	Mail Non-Final Rejection
05-30-2003	Non-Final Rejection
02-27-2003	Case Docketed to Examiner in GAU
01-24-2002	Case Docketed to Examiner in GAU
01-24-2002	Case Docketed to Examiner in GAU
09-14-2001	Case Docketed to Examiner in GAU

PAIR Page

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08-03-2001	Application Dispatched from OIPE
04-19-2001	Application Is Now Complete
04-19-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
04-18-2001	Correspondence Address Change
03-30-2001	IFW Scan & PACR Auto Security Review
03-09-2001	Initial Exam Team nn

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RESPON.  
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Papers Filed herewith on: 12-22-03  
 DOCKET NO.: 0717-0462P ATTY.: TCB/DKD  
 APPLICANT(S): TETSUO SAEKI  
 APPLN. NO.: 09/801,646 FILED: 3/9/01  
 PAT NO.:

- ☐ New Application with Transmittal Letter  
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional  
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV  
☐ Filing Under 37 CFR 1.53(d) (CPA)  
☒ Filing Under 37 CFR 1.114(RCE)  
☐ Specification Consisting of: \_\_\_\_\_ pages  
☐ Combined Declaration & Power of Attorney  
☐ Assignment / Cover Letter  
☐ Letter to Official Draftsman  
☐ Drawings \_\_\_\_\_ Sheets ☐ Formal ☐ Informal ☐ Red-Ink  
☐ Completion of Filing Requirements, PCT/DO/EO/905  
 or Formalities Letter and Executed Declaration  
☐ Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_  
☐ Amendment:  
☒ Transmit Ltr ☐ Large Entity ☐ Small Entity  
☐ Response \_\_\_\_\_  
☐ Information Disc Stmt. PTO-1449(s) \_\_\_\_\_ doc(s)  
☐ Notice of Appeal ☐ Appeal Brief  
☐ Issue Fee Transmittal ☐ Sequence Listing  
☒ FEES: \$880.00 (CR # 9010901)  
☐ Letter: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

Recalpt is hereby acknowledged of the papers filed as  
 indicated in connection with the above identified case.  
 COMMISSIONER OF PATENTS AND TRADEMARKS  
 Due Date: 12-22-03  
 Handcarry: \_\_\_\_\_

DOCKET NO. 0717-0462P

1/30/03